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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/024,521

12/21/2001

Masanori Fukada

7372/72252

2143

22242

7590

01/12/2004

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

069

<b>Office Action Summary</b>	Application No. 10/024,521	Applicant(s) FUKADA ET AL.	
	Examiner D. S. Nakarani	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (JP 11-192661) in view of Brambilla (US patent 5,916,692) for the reasons of record set forth in paragraph 3 of the Office Action mailed September 3, 2003 (paper No. 7).
3. Applicant's arguments filed October 3, 2003 have been fully considered but they are not persuasive.

In reference to rejection of claims 1-4 under 35 USC s 103 (a) as being unpatentable over suzuki et al (JP11-19261) in view of Brambilla (U.S. patent 5, 916,692), applicants mainly argue that Suzuki et al do not disclose a three layer structure of a multi-layer film having a middle layer made of a blend of a linear low density polyethylene and low density polyethylene. Suzuki et al do not disclose or suggest the density and crystallization temperatures for polymer used for a blown film as described in this application. Suzuki et al also do not disclose improvement in both transparency and strength (tear strength). There is no suggestion or motivation to combine Brambilla document with Suzuki et al's document.

These arguments are unpersuasive because Suzuki et al. disclose a multi-layer blown film having a layer of linear low density polyethylene which result superior in low odor, low taste transfer and mechanical properties. Suzuki et al disclose such commercial linear low-density

Art Unit: 1773

polyethylene namely SUMIKASENE FV 403 which appears to be same as SUMIKATHENE FV 403 of instant disclosure in Example 1.

Brambilla teach main layer made of a blend of linear low density polyethylene and low density polyethylene and an adhesive layer of linear low density polyethylene having density less than the linear low density polyethylene used in the main layer (claim 3) and another layer of linear low density polyethylene having density higher than the linear low density polyethylene of the main layer and is on a side of the main layer opposite to an adhesive layer. Thus Brambilla teach an adhesive layer of linear low density polyethylene with lower density than the linear low density polyethylene of the main layer. Therefore the crystallization temperature of linear low-density polyethylene of the adhesives layer deemed to be lower than the crystallization temperature of linear low density polyethylene of the main layer as evidenced in the present disclosure by comparing Sumikathene FV 403 (density =  $919 \text{ kg/m}^3$ , Crystallization temperature  $T_c = 104^\circ\text{C}$ ), Sumikathene FV 404 (density  $927 \text{ kg/m}^3$ ,  $T_c = 109^\circ\text{C}$ ) and Sumikathene, FZ 203-0 (density  $931 \text{ kg/m}^3$ ,  $T_c = 111^\circ\text{C}$ ).

There is no showing that SUMIKASENE FV 403 of Suzuki et al is different than the Sumikathene FV 403 of present discloser. There is also no showing that Brambilla's multi-layer film has higher haze than the claimed haze. All claims are not limited to have surface layer as claimed in claim 1. The claim 3 does not require surface of linear low density polyethylene 1 of claim 1. The claim 1 does not claim haze value claimed in claim 3. Thus all claims do not require to meet argued conditions (i) and (ii).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

D.S. Nakarani/af  
January 8, 2004

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**